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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,010	02/27/2004	Alexander J. Somogyi	BEAS-01338US3	6894

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EXAMINER	
RAMPURIA, SATISH	
ART UNIT	**PAPER NUMBER**
2191	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/789,010	SOMOGYI, ALEXANDER J.	
	Examiner	Art Unit	
	Satish S. Rampuria	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/15/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the application filed on February 27, 2004.

2. Claims 1-7 are pending.

Priority

3. Acknowledgment is made of applicant's claiming the benefits of the earlier filed **US Provisional Application** filed on February 28, 2003.

Information Disclosure Statement

4. An initialed and dated copy of Applicant's IDS form 1449 filed on November 15, 2004 is attached to the instant Office action.

Oath/Declaration

5. The Office acknowledges receipt of a properly signed oath/declaration filed June 25, 2004.

Specification

6. The disclosure is objected to because of the following informalities:

Appropriate correction is required.

7. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of US filed applications (including cross reference applications) in the specification should also be updated where appropriate.

8. The disclosure is objected to the use following acronyms. "XA" i.e., page 3.

Applicant are required to provide the full form of the acronyms.

9. The use of the trademark/service mark "J2EE", "JDBC" has been noted in this application. It should be appropriate or proper term (i.e., Java™) (see MPEP 608.01(v)) used, wherever it appears and be accompanied by the generic terminology (for details please visit http://www.sun.com/suntrademarks/index.html). Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Drawings

10. The drawings were received on February 27, 2004. These drawings are acceptable by the examiner.

Claim Objections

11. Claim 7 objected to because of the following informalities: The use of the trademark/service mark "Java" has been noted in this claim. It should be appropriate or proper term (i.e., Java™) (see MPEP 608.01(v)) used, wherever it appears and be accompanied by the generic terminology (for details please visit http://www.sun.com/suntrademarks/index.html). Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be

respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

12. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

13. Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is non-statutory because the language of the claim raises a question as to would the result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Claim recites processing resource enlistment requests, representing functional descriptive material without producing a concrete, useful, and tangible result. Claims 2-7 are directly or indirectly dependent on claim 1 and further support processing resource enlistment requests, representing functional descriptive material without producing a concrete, useful, and tangible result thus amounts to only abstract idea and are nonstatutory.

Double Patenting

14. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1-7 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of copending Application No. 10/788,802 (hereinafter '782). Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following observation.

Instant Claim	***'782 Claim***
1. A method for processing resource enlistment requests, comprising: receiving a first resource enlistment request from a resource in a first thread; receiving a second resource enlistment request from the resource in a second thread, the second enlistment request received after the first enlistment request is received; and performing a block on the second resource enlistment request.	1. A system for protecting against interleaving transactions, comprising: means for receiving a first resource enlistment request from a resource in a first thread; means for receiving a second resource enlistment request from the resource in a second thread, the second enlistment request received after the first enlistment request is received; and means for performing a block on the second resource enlistment request.
1. A method for processing resource enlistment requests, comprising: receiving a first resource enlistment request from a resource in a first thread; receiving a second resource enlistment request from the resource in a second thread, the second enlistment request received after the first enlistment request is received; and performing a block on the second resource enlistment request.	3. A computer system comprising: a processor; object code executed by said processor, said object code configured to: receive a first resource enlistment request from a resource in a first thread; receive a second resource enlistment request from the resource in a second thread, the second enlistment request received after the first enlistment request is received; and perform a block on the second resource

	enlistment request.
1. A method for processing resource enlistment requests, comprising: receiving a first resource enlistment request from a resource in a first thread; receiving a second resource enlistment request from the resource in a second thread, the second enlistment request received after the first enlistment request is received; and performing a block on the second resource enlistment request.	4. A computer data signal embodied in a transmission medium, comprising: a code segment including instructions to receive a first resource enlistment request from a resource in a first thread; a code segment including instructions to receive a second resource enlistment request from the resource in a second thread, the second enlistment request received after the first enlistment request is received; and a code segment including instructions to perform a block on the second resource enlistment request.
1. A method for processing resource enlistment requests, comprising: receiving a first resource enlistment request from a resource in a first thread; receiving a second resource enlistment request from the resource in a second thread, the second enlistment request received after	5. A computer program product for execution by a server computer for protecting against interleaving transactions, comprising: computer code for receiving a first resource enlistment request from a resource in a first thread; computer code for receiving a second

the first enlistment request is received; and performing a block on the second resource enlistment request.	resource enlistment request from the resource in a second thread, the second enlistment request received after the first enlistment request is received; and computer code for performing a block on the second resource enlistment request.
2. The method of claim 1, further comprising: initiating an end method on the first resource in the first thread; and removing the block on the second resource enlistment request in the second thread.	6. The computer program product of claim 5, further comprising: computer code for initiating an end method on the first resource in the first thread; and computer code for removing the block on the second resource enlistment request in the second thread.
3. The method of claim 2, further comprising: initiating a start method on the first resource; receiving a first resource delistment request from the first resource; initiating an end method on the first resource.	7. The computer program product of claim 6, further comprising: computer code for initiating a start method on the first resource; computer code for receiving a first resource delistment request from the first resource; computer code for initiating an end method on the first resource.
4. The method of claim 1 wherein receiving a first resource enlistment	8. The computer program product of claim 5 wherein computer code for receiving a

request from a resource in a first thread includes: receiving a first resource enlistment request from a resource in a first thread over an XA protocol interface.	first resource enlistment request from a resource in a first thread includes: computer code for receiving a first resource enlistment request from a resource in a first thread over an XA protocol interface
5. The method of claim 1 wherein the first resource enlistment request includes a first transaction identification.	9. The computer program product of claim 5 wherein the first resource enlistment request includes a first transaction identification.
6. The method of claim 3 wherein the first resource delistment request includes a first transaction identification.	10. The computer program product of claim 7 wherein the first resource delistment request includes a first transaction identification.
7. The method of claim 1 wherein performing a block on the second resource enlistment request includes: using Java monitor to block enlistment requests to the resource.	11. The computer program product of claim 5 wherein computer code for performing a block on the second resource enlistment request includes: computer code for using Java monitor to block enlistment requests to the resource.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by US Publication No. 2002/0194244 to Raventos (hereinafter, Raventos).

Per claim 1:

Raventos discloses:

1. A method for processing resource enlistment requests, comprising:

receiving a first resource enlistment request from a resource in a first thread (paragraph [0045] "Application program 301 utilizes resources from one or more Resource Managers 302. That is, application program 301 communicates with Resource Manager 302 directly via native interface 304 to perform useful work. Generally, Resource Manager 302 provides the means of communication between itself and application program 301");

receiving a second resource enlistment request from the resource in a second thread (paragraph [0034] "Once the services are enlisted to be part of an activation

transaction...invoke the proper plugins to execute the service, validate it, undo it, or check for complete rollback of the service"), the second enlistment request received after the first enlistment request is received (paragraph [0058] "Resource Manager 405 is implemented to model the X/Open XA protocol to enable tasks to be performed as a transaction"); and

performing a block on the second resource enlistment request (paragraph [0050] "Resource Manager 405 may include plugin manager 409, which may, for example, provide such services as locking for the plugins and mapping of services (or tasks) to particular plugins").

Per claim 2:

Raventos discloses:

2. The method of claim 1, further comprising:

initiating an end method on the first resource in the first thread (paragraph [0045] "Transaction Manager 303 provides application program 301 with API calls to inform it of the start, end and disposition of transactions"); and

removing the block on the second resource enlistment request in the second thread (paragraph [0062] "an action may be defined within the plugin to add a web site to such web server, and an action may be defined within the plugin to remove a web site from such web server").

Per claim 3:

Raventos discloses:

3. The method of claim 2, further comprising:

initiating a start method on the first resource (paragraph [0045] "Transaction Manager 303 provides application program 301 with API calls to inform it of the start, end and disposition of transactions");

receiving a first resource delistment request from the first resource (paragraph [0050] "Resource Manager 405 may include plugin manager 409, which may, for example, provide such services as locking for the plugins and mapping of services (or tasks) to particular plugins");

initiating an end method on the first resource (paragraph [0045] "Transaction Manager 303 provides application program 301 with API calls to inform it of the start, end and disposition of transactions").

Per claim 4:

Raventos discloses:

4. The method of claim 1 wherein receiving a first resource enlistment request from a resource in a first thread includes:

receiving a first resource enlistment request from a resource in a first thread over an XA protocol interface (paragraph [0058] "Resource Manager 405 is implemented to model the X/Open XA protocol to enable tasks to be performed as a transaction").

Per claim 5:

Raventos discloses:

5. The method of claim 1 wherein the first resource enlistment request includes a first transaction identification (paragraph [0044] "Transaction Manager 303 assigns identifiers to transactions, monitors their progress, and takes responsibility for transaction completion and for failure recovery").

Per claim 6:

Raventos discloses:

6. The method of claim 3 wherein the first resource delistment request includes a first transaction identification (paragraph [0044] "Transaction Manager 303 assigns identifiers to transactions, monitors their progress, and takes responsibility for transaction completion and for failure recovery").

Per claim 7:

Raventos discloses:

7. The method of claim 1 wherein performing a block on the second resource enlistment request includes:

using Java monitor to block enlistment requests to the resource (paragraph [0034] "Enterprise Application Integration (EAI) bus, or application server (e.g., BEA clink or any Enterprise JavaBeans (EJB) application server)").

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every other Friday and federal holidays. Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y. Zhen** can be reached on **(571) 272-3708**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria
Patent Examiner/Software Engineer
Art Unit 2191

Mary Steelman Primary Examiner 01.22.2007